
Article 7. PHYSICAL ENVIRONMENT**80086 ALTERATIONS TO EXISTING BUILDINGS OR NEW FACILITIES 80086**

- (a) Prior to construction or alterations, all licensees shall notify the licensing agency of the proposed change.
- (b) The licensing agency shall have the authority to require that the licensee have a building inspection by a local building inspector if the agency suspects that a hazard to the clients' health and safety exists.

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- (c) Prior to construction or alterations, state or local law requires that all facilities secure a building permit.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

80087 BUILDINGS AND GROUNDS 80087

- (a) The facility shall be clean, safe, sanitary and in good repair at all times for the safety and well-being of clients, employees and visitors.
 - (1) The licensee shall take measures to keep the facility free of flies and other insects.
 - (2) The licensee shall provide for the safe disposal of water and other chemicals used for cleaning purposes.
- (b) All clients shall be protected against hazards within the facility through provision of the following:
 - (1) Protective devices including but not limited to nonslip material on rugs.

80087 BUILDINGS AND GROUNDS (Continued)**80087**

- (c) All outdoor and indoor passageways, stairways, inclines, ramps, open porches and other areas of potential hazard shall be kept free of obstruction.
- (d) The licensee shall provide an isolation room or area for use by ill clients.
- (e) General permanent or portable storage space shall be available for the storage of facility equipment and supplies.
 - (1) Facility equipment and supplies shall be stored in this space and shall not be stored in space used to meet other requirements specified in this chapter and Chapters 2 through 7.
- (f) All licensees serving children or serving clients who have physical handicaps, mental disorders, or developmental disabilities shall ensure the inaccessibility of pools, including swimming pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds or similar bodies of water through a pool cover or by surrounding the pool with a fence.
 - (1) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use.
 - (A) If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fence requirements specified in Section 80087(f)(1) until such fence is replaced or structurally altered. If the licensee replaces or alters the fence, it shall meet the fence requirements specified in Section 80087(f)(1).
 - (2) Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 80087(f)(1).

80087 BUILDINGS AND GROUNDS (Continued)**80087**

- (g) All in-ground pools, and above-ground pools which cannot be emptied after each use shall have an operative pump and filtering system.
- (h) Disinfectants, cleaning solutions, poisons, firearms and other items which could pose a danger if readily available to clients shall be stored where inaccessible to clients.
 - (1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.
 - (2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.
 - (A) Firing pins shall be stored and locked separately from firearms.
 - (3) Ammunition shall be stored and locked separately from firearms.
- (i) Medicines shall be stored as specified in Section 80075(h) and (i) and separately from other items specified in Section 80087(h) above.
- (j) The items specified in Section 80087(h) above shall not be stored in food storage areas or in storage areas used by or for clients.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

80088 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES**80088**

- (a) A comfortable temperature for clients shall be maintained at all times.
 - (1) The licensee shall maintain the temperature in rooms that clients occupy between a minimum of 68 degrees F (20 degrees C) and a maximum of 85 degrees F (30 degrees C).
 - (A) In areas of extreme heat the maximum shall be 30 degrees F (16.6 degrees C) less than the outside temperature.
 - (2) Nothing in this section shall prohibit clients from adjusting individual thermostatic controls.
- (b) All window screens shall be in good repair and be free of insects, dirt and other debris.
- (c) Fireplaces and open-faced heaters shall be made inaccessible to clients to ensure protection of the clients' safety.

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- (1) The use of a fireplace screen or similar barrier will meet this requirement.

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- (d) The licensee shall provide lamps or lights as necessary in all rooms and other areas to ensure the comfort and safety of all persons in the facility.
- (e) Faucets used by clients for personal care such as shaving and grooming shall deliver hot water.
 - (1) Hot water temperature controls shall be maintained to automatically regulate temperature of hot water delivered to plumbing fixtures used by clients to attain a hot water temperature of not less than 105 degrees F (40.5 degrees C) and not more than 120 degrees F (48.8 degrees C).

80088 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES (Continued) 80088

- (2) Taps delivering water at 125 degrees F (51.6 degrees C) or above shall be prominently identified by warning signs.
- (3) All toilets, handwashing and bathing facilities shall be maintained in safe and sanitary operating condition. Additional equipment, aids, and/or conveniences shall be provided in facilities accommodating physically handicapped clients who need such items.
- (f) Solid waste shall be stored, located and disposed of in a manner that will not transmit communicable diseases or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.
 - (1) All containers, including movable bins, used for storage of solid wastes shall have tight-fitting covers kept on the containers; shall be in good repair, shall be leakproof and rodent-proof.
 - (2) Solid waste containers, including movable bins, receiving putrescible waste shall be emptied at least once per week or more often if necessary to comply with (f) above.
 - (3) Each movable bin shall provide for suitable access and a drainage device to allow complete cleaning at the storage area.
- (g) The licensee shall provide linens of various kinds necessary to meet the program of services being offered by the facility and the requirements specified in Chapters 2 through 7.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 8. HEALTH RELATED SERVICES**80090 HEALTH AND SAFETY SERVICES****80090**

- (a) The provisions of this article are applicable to adult CCFs and shall be used in conjunction with Articles 1 through 7 of this chapter.
- (b) In adult residential and social rehabilitation facilities, when the licensee chooses to accept or retain a client with a restricted health condition as specified in Section 80092, the following shall apply:
- (1) The licensee shall develop an individual health condition care plan as specified in Section 80069.1.
 - (2) Care shall be provided as specified in this article.
 - (3) Waivers or exceptions will not be granted to accept or retain clients who have health conditions prohibited by Section 80091.
 - (4) The licensee shall maintain a list of clients with restricted health conditions with their medical conditions identified.
 - (5) The licensee shall notify the Department when he/she begins providing care to the client, as specified in Section 80061(d).
 - (6) Waivers or exceptions will not be granted to meet the needs of clients by means other than those specified in Section 80092.2 through 80092.12.
- (c) In adult day care facilities and adult day support centers, when the licensee chooses to accept or retain a client with a restricted health condition as specified in Section 80092, the following shall apply:
- (1) The licensee shall develop an individual health condition care plan as specified in Section 80069.1.
 - (2) Care shall be provided as specified in this article.
 - (3) Waivers or exceptions will not be granted to accept or retain clients who have health conditions prohibited by Section 80091.
 - (4) The licensee shall maintain a list of clients with restricted health conditions and shall identify their medical condition(s).

80090 HEALTH AND SAFETY SERVICES
(Continued)**80090**

- (5) The licensee shall notify the Department when he/she begins providing care to the client, as specified in Section 80061(d).
- (6) Care may be provided by methods other than those specified in this article provided that the licensee ensures the following:
 - (A) A complete, current, individual needs and services plan for each client that meets all conditions of Section 80068.2, and
 - (B) An individual health condition care plan for each client as specified in Section 80069.1 and that care is provided in accordance with that plan, and
 - (C) That the alternative care is provided by the client's personal care attendant, within allowable scope of practice, or a relative who has been trained in care for that specific client.
- (d) The Department may grant an exception or waiver allowing an adult CCF to accept or retain a client who has medical or health conditions not listed in Section 80091 or 80092 if all of the following requirements are met:
 - (1) The condition is chronic and stable;
 - (2) The client is able to care for all aspects of the condition his/herself or assistance in the care of the condition is provided by an appropriately skilled and licensed professional;
 - (3) The licensee, in cooperation with and agreed to by the client, the client's family or authorized representative, if any, the client's physician, any other of the client's health care providers, the client's placement agency, if any, and the client's social worker, if any, has developed a plan of care for the client which complies with all requirements of licensing regulations and ensures that the client's needs will be satisfied while in care of the facility. The licensee must document the client's condition and care provided to the client on a daily basis.
 - (4) If all aspects of care are not to be provided by a licensed professional, there must be a schedule for when that care will be provided, and all care must be documented in the client's file in the facility.
 - (5) If all aspects of care are not to be provided by a licensed professional, there must be a schedule for ongoing monitoring of the client's condition by a licensed health care professional. The schedule shall be determined by the health care professional but shall not be less often than one time per month.

80090 HEALTH AND SAFETY SERVICES
(Continued)**80090**

- (6) The licensee agrees to strictly comply with all aspects of the client's care plans.
- (7) Prior to accepting the client into care, the Department has approved a plan of operation for the facility which includes provision for the acceptance and retention of clients with prohibited/restricted health conditions.
- (8) The licensee agrees to maintain a daily record of the client's condition and all care needed and provided to the client. This documentation must be retained in the client's record in the facility and be readily available for review by the client's care providers and the Department.
- (9) The plan of care for acceptance or retention of a client complies with all elements required by Sections 80069.1 and 80092.1.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1530, Health and Safety Code.

80091 PROHIBITED HEALTH CONDITIONS**80091**

- (a) Clients who require health services or have a health condition including, but not limited to, those specified below shall not be admitted or retained in adult CCFs.
 - (1) Naso-gastric and naso-duodenal tubes.
 - (2) Staph infection or other serious infection.
 - (3) Active, communicable TB.
 - (4) Conditions which require 24 hour nursing care or oversight.
 - (5) Stage 3 and 4 decubitus ulcers.
 - (6) Any other condition or care requirements which would require the facility to be licensed as a health facility as defined by Sections 1250 and 1202 of the Health and Safety Code.
- (b) Clients who rely on others to perform all activities of daily living shall not be admitted or retained in adult residential and social rehabilitation facilities but may be admitted or retained in adult day care facilities and adult day support centers, as specified in Section 80077.2.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, 1530, 1531, and 1557.5, Health and Safety Code.

80092 RESTRICTED HEALTH CONDITIONS**80092**

Section 1502(a) of the Health and Safety Code defines a Community Care Facility (CCF) as providing non-medical residential and day care. Clients who require nursing care and/or oversight generally may not be in CCFs, though there are exceptions. The exceptions include hospice care in RCFEs, medical care in RCF-CIs, and medically fragile children receiving specialized care in Foster Family Homes.

- (a) Clients who have the conditions listed in this section may only be accepted or retained in an adult CCF pursuant to the requirements of Article 8.
- (b) The licensee of an adult CCF may accept or retain clients with the health condition(s) which require the incidental medical services as specified in Section 80092(c), provided the following conditions are met:
 - (1) The licensee is willing to provide the needed care, and
 - (2) The client's medical condition(s) are chronic and stable, or
 - (3) The client's medical condition(s) are temporary in nature and are expected to return to a condition normal for that client, and
 - (4) The client is under the medical care of a licensed professional, and
 - (5) The licensee notifies the Department when he/she begins providing care to the client.
- (c) Care for the following health conditions shall be provided only as specified in Section 80077.2 and 80092.2 through 80092.12:
 - (1) Requirements for the administration of oxygen only as specified in Section 80092.2.
 - (2) Use of inhalation assistive devices only as specified in Section 80092.3.
 - (3) Colostomy/ileostomies only as specified in Section 80092.4.
 - (4) Requirement for enemas, suppositories, and/or fecal impaction removal only as specified in Section 80092.5.
 - (5) Use of catheters only as specified in Section 80092.6.
 - (6) Incontinence of bowel and/or bladder only as specified in Section 80092.7.
 - (7) Contractures only as specified in Section 80092.8.

80092 RESTRICTED HEALTH CONDITIONS
(Continued)**80092**

- (8) Diabetes only as specified in Section 80092.9.
- (9) Dermal ulcers only as specified in Section 80092.10.
- (10) Wounds only as specified in Section 80092.10.
- (11) Gastrostomies only as specified in Section 80092.11.
- (12) Tracheostomies only as specified in Section 80092.12.
- (13) Clients who rely on others to perform all activities of daily living, only in adult day care facilities and adult day support centers, only as specified in Section 80077.2.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.1 GENERAL REQUIREMENTS FOR RESTRICTED HEALTH CONDITIONS**80092.1**

- (a) A client with a restricted health condition specified in Section 80092 may be admitted or retained in an adult CCF if all requirements in Sections 80092.1(b) through (j) are met.
- (b) Prior to admission of a client with a restricted health condition specified in Section 80092, the licensee shall meet with all other persons who provide care to that client to assure consistency of care for the medical condition.
- (c) Prior to the admission of a client with a restricted health condition, all facility staff who will participate in meeting the client's specialized care needs shall complete training sufficient to meet those needs. These staff shall complete the training prior to providing services to the client.
 - (1) Should the condition of the client change, all staff providing care and services shall complete any additional training required to meet the client's new needs, as determined by the client's physician.
 - (2) Training shall include hands-on instruction and shall be provided by a licensed professional.
 - (3) All training shall be documented in facility files.

80092.1 GENERAL REQUIREMENTS FOR RESTRICTED HEALTH CONDITIONS (Continued)**80092.1**

- (d) Facility staff shall be instructed by the client's physician or other licensed professional to recognize objective symptoms, observable by a lay person, and to respond to that client's health problems and shall contact the client's physician, other licensed professional, and/or vendor as necessary.
- (e) The licensee shall monitor the ability of the client to provide self-care for the restricted health condition, document any change in that ability, and inform the persons identified in Section 80092.1(b) of that change.
- (f) The licensee shall develop and maintain, as part of the needs and services plan, an individual health condition care plan as specified in Section 80069.1.
 - (1) The care plan shall neither require nor recommend that the licensee or any facility personnel or any other person providing care, other than a physician or licensed professional, implement any health care procedure which may legally be provided only by a physician or licensed professional.
- (g) The licensee shall ensure that the client's health related service needs are met and shall follow the approved plan for each client.
- (h) The licensee shall demonstrate compliance with the individual health condition care plan by maintaining in the facility all relevant documentation, records, and physician statements for each client.
- (i) The licensee shall report any deviation from the care plan to the Regional Center, if the client is a Regional Center client.
- (j) The duty established by this section does not infringe on a client's right to receive or reject medical care or services, as allowed in Section 80072.
 - (1) If a client refuses medical services specified in the care plan, the licensee shall immediately notify all persons identified in Section 80069(b)(1) and shall participate in developing a plan for meeting the client's needs.
 - (2) If unable to meet the client's needs, the licensee shall issue an eviction notice as specified in Section 80068.5.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.2 OXYGEN ADMINISTRATION**80092.2**

- (a) The licensee may only accept or retain a client who requires oxygen administration only if all the following conditions are met:
- (1) If the client is mentally and physically capable of operating the equipment, is able to determine his/her need for oxygen, and/or is able to administer it him/herself, or
 - (2) If a licensed professional administers the oxygen.
- (b) In addition to Section 80092.1, the licensee is responsible for the following:
- (1) Monitoring the client's ongoing ability to operate and care for the equipment in accordance with the physician's instructions, or
 - (2) Ensuring that oxygen administration is provided by a licensed professional when the client is unable to operate the equipment, determine his/her own need or administer the oxygen.
 - (3) Ensuring that the following conditions are met if oxygen equipment is in use:
 - (A) The licensee makes a written report to the local fire jurisdiction that oxygen is in use at the facility.
 - (B) "No Smoking - Oxygen in Use" signs shall be posted in appropriate areas.
 - (C) Smoking is prohibited where oxygen is in use.
 - (D) All electrical equipment is checked for defects which may cause sparks.
 - (E) Oxygen tanks are secured either in a stand or to the wall.
 - (F) Plastic tubing from the nasal canula (mask) to the oxygen source is long enough to allow the client movement within his/her room but does not constitute a hazard to the client or others.
 - (G) Clients use oxygen from a portable source when they are outside of their rooms or when walking in a day care setting.
 - (H) Equipment is operable.
 - (I) Equipment is removed from the facility when no longer in use by the client.

80092.2 OXYGEN ADMINISTRATION (Continued)**80092.2**

- (4) Ensuring that the client's room is large enough both to accommodate the equipment and to allow for easy passage of clients and staff.
- (5) Ensuring that facility staff have knowledge of and ability to operate and care for the oxygen equipment.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.3 INHALATION ASSISTIVE DEVICES**80092.3**

- (a) The licensee may only accept or retain a client who requires the use of an inhalation assistive device if all of the following conditions are met:
 - (1) The client is mentally and physically capable of operating his/her own device and is able to determine his/her own need, or
 - (2) A licensed professional administers the device.
- (b) In addition to Section 80092.1, the licensee is responsible for the following:
 - (1) Monitoring the client's ongoing ability to operate and care for the device in accordance with the physician's instructions.
 - (2) Ensuring that care is administered by a licensed professional when the client is unable to operate the device or determine his/her own need.
 - (3) Ensuring that:
 - (A) The device is functional.
 - (B) The device is removed from the facility when no longer in use by the client.
 - (4) Ensuring that the room containing the device is large enough both to accommodate it and to allow easy passage of clients and staff.
 - (5) Ensuring that facility staff have the knowledge of and ability to operate and care for the device.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.4 COLOSTOMY/ILEOSTOMY 80092.4

- (a) The licensee may only accept or retain a client who has a colostomy or ileostomy if all of the following conditions are met:
- (1) The client is mentally and physically capable of providing all routine care for his/her ostomy, and the physician has documented that the ostomy is completely healed, or
 - (2) Assistance in the care of the ostomy is provided by a licensed professional.
- (b) In addition to Section 80092.1, the licensee is responsible for the following:
- (1) Monitoring the client's ongoing ability to provide care for his/her ostomy in accordance with the physician's instructions.
 - (2) Ensuring that ostomy care is provided by a licensed professional when the client is unable to provide self care.
 - (A) The ostomy bag and adhesive may be changed by facility staff who receive supervision and training from the licensed professional.
 1. This professional shall provide written documentation outlining the procedures and the names of facility staff who received the training.
 2. This professional shall review the performance of the procedures at least twice a month.
 - (3) Ensuring that used bags are discarded as specified in Section 80088(f)(2).
 - (4) Ensuring privacy when ostomy care is provided.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.5 ENEMA AND/OR SUPPOSITORY OR FECAL IMPACTION REMOVAL**80092.5**

- (a) The licensee may only accept or retain a client who requires manual fecal impaction removal, enemas, or use of suppositories if all of the following conditions are met:
 - (1) The client is mentally and physically capable of providing all routine care, or
 - (2) A licensed professional administers the necessary procedures.
- (b) In addition to Section 80092.1, the licensee is responsible for the following:
 - (1) Monitoring the client's ongoing ability to provide his/her own routine care in accordance with the physician's instructions.
 - (2) Ensuring that a licensed professional administers the enemas, suppositories, or manual fecal impaction removal, when the client is unable to do so for him/herself.
 - (3) Ensuring privacy when care is being provided.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.6 INDWELLING URINARY CATHETER/CATHETER PROCEDURE**80092.6**

- (a) The licensee may only accept or retain a client who requires an indwelling catheter if all of the following conditions are met:
 - (1) The client is physically and mentally capable of caring for all aspects of the condition except insertion, removal and irrigation.
 - (A) Irrigation shall only be performed by a licensed professional in accordance with the physician's orders.
 - (B) Insertion and removal shall only be performed by a licensed professional.
- (b) In addition to Section 80092.1, the licensee is responsible for the following:
 - (1) Monitoring the client's ongoing ability to care for his/her catheter in accordance with the physician's instructions.

80092.6 INDWELLING URINARY CATHETER/CATHETER PROCEDURE
(Continued)**80092.6**

- (2) Ensuring that a licensed professional provides all aspects of catheter care when the client is unable to provide his/her own care in accordance with the physician's instructions.
- (3) Ensuring that insertion, removal and irrigation of the catheter are performed by a licensed professional.
- (4) Ensuring that bag and tubing are changed by a licensed professional should the client require assistance.
 - (A) The bag may be emptied by facility staff who receive supervision and training from the licensed professional.
 - 1. This professional shall provide written documentation outlining the procedures and the names of facility staff who received the training.
 - 2. This professional shall review the performance of the procedures at least twice a month.
- (5) Ensuring that any other required catheter care is provided by a licensed professional when the client is unable to self care.
- (6) Ensuring that waste materials are disposed of as specified in Section 80088(f)(2).
- (7) Ensuring privacy when care is provided.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.7 MANAGED BOWEL AND BLADDER INCONTINENCE**80092.7**

- (a) The licensee may only accept or retain a client who has managed bowel and/or bladder incontinence if all of the following conditions are met:
- (1) The condition can be managed with any of the following:
 - (A) Self-care by the client.
 - (B) A structured bowel and/or bladder retraining program, designed by a licensed professional, to assist the client in restoring a normal pattern of continence.
 - (C) A program of scheduled toileting at regular intervals.
 - (D) The use of incontinent care products to keep the client clean and dry at all times.
- (b) In addition to Section 80092.1, the licensee is responsible for the following:
- (1) Ensuring that clients who can benefit from scheduled toileting are assisted or reminded to go to the bathroom at regular intervals rather than being diapered.
 - (2) Ensuring that incontinent clients are checked during those periods of time when they are known to be incontinent, including during the night.
 - (3) Ensuring that incontinent clients are kept clean and dry.
 - (4) Ensuring that bowel and/or bladder programs are designed by a licensed professional with training and experience in care of persons with bowel and/or bladder dysfunctions and development of retraining programs for establishing normal patterns of continence.
 - (5) Ensuring that the licensed professional who develops the bowel and/or bladder program provides training to facility staff responsible for implementing the program.
 - (A) This professional shall provide written instructions to facility staff outlining the procedures and shall document the names of facility staff who received the training.
 - (6) Ensuring that re-assessment of the client's condition, including the condition of the skin exposed to urine and stool and the evaluation of the effectiveness of the bowel and/or bladder program, is performed by a licensed professional.

80092.7 MANAGED BOWEL AND BLADDER INCONTINENCE
(Continued)**80092.7**

- (7) Ensuring privacy when care is provided.
- (8) Ensuring that fluids are not withheld to control incontinence.
- (9) Ensuring that an incontinent client is not catheterized to control incontinence for the convenience of the licensee or staff.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.8 CONTRACTURES**80092.8**

- (a) The licensee may only accept or retain a client who has contractures if all of the following conditions are met:
 - (1) The contractures do not severely affect functional ability and the client is mentally and physically able to care for the contractures him/herself, or
 - (2) The contractures do not severely affect functional ability and a licensed professional provides care.
- (b) In addition to Section 80092.1, the licensee is responsible for the following:
 - (1) Monitoring the client's ongoing ability to care for his/her contractures in accordance with the physician's instructions.
 - (2) Ensuring that care is provided by a licensed professional when the client is unable to self care.
 - (3) Ensuring that range of motion exercises or other exercise(s) prescribed by the physician are performed by a licensed professional or by facility staff who receive supervision and training from a licensed professional.
 - (A) This professional shall provide written documentation outlining the procedures for the exercises and the name of facility staff who received the training.
 - (B) The professional shall review the performance of the procedures at least twice a month.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.9 DIABETES**80092.9**

- (a) The licensee may only accept or retain a client who has diabetes if all of the following conditions are met:
- (1) The client is mentally and physically capable of performing his/her own glucose testing with blood or urine specimens and of administering his/her own medication, either orally or through injection, or
 - (2) A licensed professional administers the tests and injections.
 - (A) Assistance with the performance of the glucose testing may be provided by an individual who has been trained by a licensed professional to provide such assistance.
 - (B) This professional shall provide written documentation outlining the procedures and the names of facility staff who received the training.
 - (C) This professional shall review the performance of the procedures at least twice a month.
- (b) In addition to Section 80092.1, the licensee is responsible for the following:
- (1) Monitoring the client's ongoing ability to perform his/her glucose testing and administer his/her medication in accordance with the physician's instructions.
 - (2) Assisting clients with self-administered medication, as specified in Section 80075.
 - (3) Ensuring that sufficient amounts of medicines, testing equipment, syringes, needles, and other supplies are maintained and stored in the facility.
 - (4) Ensuring that injections are administered immediately after a syringe is filled unless the client is using prefilled syringes prepared by a registered nurse, pharmacist or drug manufacturer.
 - (5) Ensuring that syringes and needles are disposed of in accordance with California Code of Regulations, Title 8, Section 5193.

HANDBOOK BEGINS HERE

- (A) Sections 5193(d)(2)(G) and (d)(2)(H) read in pertinent part:

Contaminated needles and other contaminated sharps shall not be bent, recapped or removed...Shearing or breaking of contaminated needles is prohibited.

HANDBOOK CONTINUES

80092.9 DIABETES (Continued)**80092.9**

HANDBOOK CONTINUES

...Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:

1. Puncture resistant;
2. Labeled in accordance with this section;
3. Leakproof on the sides and bottom; and
4. In accordance with the requirements set forth in subsection (d)(4)(B)5, for reusable sharps.

HANDBOOK ENDS HERE

- (6) Providing a modified diet as prescribed by a client's physician, as specified in Section 80076(a)(6). Substitutions shall be made by the facility dietitian or in consultation with a registered dietician or the client's physician or medical provider.
- (7) Ensuring that all care staff have received education/training in the signs and symptoms of hyperglycemia and hypoglycemia and in appropriate action for client safety.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.10 WOUNDS**80092.10**

- (a) The licensee may only accept or retain a client who has a wound if all of the following conditions are met:
 - (1) The wound is the result of surgical intervention, the care shall be performed by or under the supervision of a licensed professional as directed by the surgeon.
 - (2) A client with a stage one or two dermal ulcer is accepted or retained, the condition shall be diagnosed by and receive care from a licensed professional.
 - (A) Stage three or four dermal ulcers are prohibited.

80092.10 WOUNDS (Continued)**80092.10**

- (3) The wound is expected by the physician or surgeon to return to a normal state.
 - (4) Wound assessment intervals shall be set by the physician, surgeon, nurse practitioner, or registered nurse to evaluate treatment and progress toward healing.
- (b) In addition to Section 80092.1 the licensee is responsible for the following:
- (1) Ensuring that the wound care is provided by a licensed professional in accordance with the physician's instructions.
 - (2) Ensuring that the wound is evaluated by a licensed professional at the preset assessment intervals.
 - (3) Ensuring that all aspects of care performed by the licensed professional and incidental assistance provided by facility staff is documented in the client's file.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.11 GASTROSTOMY FEEDING, HYDRATION, AND CARE**80092.11**

- (a) The licensee may only accept or retain a client who requires gastrostomy care, feeding, and/or hydration if all of the following conditions are met:
- (1) The client is mentally and physically capable of providing all routine feeding, hydration, and care for his/her gastrostomy, and the physician has documented that the gastrostomy is completely healed, or
 - (2) Assistance in gastrostomy feeding, hydration, and care is provided by a licensed professional.
- (b) In addition to Section 80092.1 the licensee is responsible for the following:
- (1) Monitoring the client's ongoing ability to provide all routine feeding, hydration and care for his/her gastrostomy in accordance with the physician's instructions.
 - (2) Ensuring that gastrostomy feeding, hydration, and care are provided by a licensed professional when the client is unable to provide his/her own feeding, hydration and care.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80092.12 TRACHEOSTOMIES**80092.12**

- (a) The licensee may only accept or retain a client who has a tracheostomy if all of the following conditions are met:
- (1) The client is mentally and physically capable of providing all routine care for his/her tracheostomy and the physician has documented that the tracheostomy is completely healed, or
 - (2) Assistance in the care of the tracheostomy is provided by a licensed professional.
- (b) In addition to Section 80092.1 the licensee is responsible for the following:
- (1) Monitoring the client's ongoing ability to provide all routine care for his/her tracheostomy in accordance with the physician's instructions.
 - (2) Ensuring that tracheostomy care is provided by a licensed professional when the client is unable to provide his/her own care.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80093 DEPARTMENT REVIEW OF HEALTH-RELATED CONDITIONS**80093**

- (a) The Department may review the health-related conditions, including those specified in Sections 80092.2 through 80092.12, to determine if the client will be allowed to remain in the facility. The Department shall inform the licensee that the health-related condition of the client requires review and shall specify documentation which the licensee shall submit to the Department.
- (1) Documentation shall include, but not be limited to, the following:
 - (A) Health condition care plan.
 - (B) Needs and services plan.
 - (C) Copies of prescriptions for medical services and/or medical equipment.
 - (2) The licensee shall submit the documentation to the Department within 10 days.
- (b) If the Department determines that the client has a restricted condition, as specified in Section 80092, the licensee shall provide care to the client in accordance with conditions specified in Sections 80092.2 through 80092.12. If the licensee is not able to provide adequate care, the client shall be relocated.

80093**DEPARTMENT REVIEW OF HEALTH-RELATED CONDITIONS****80093**

(Continued)

- (c) If the Department determines that the client has a prohibited health condition, as specified in Section 80091, the licensee shall be notified and shall then submit a plan for relocating the client.
- (1) The notification to the licensee shall include notice of all appeal rights, as specified in Section 80094.
- (d) The licensee may request a Department review of a denial of an exception by completing the following:
- (1) A written request for a review.
- (2) The reasons the licensee disagrees with the deficiency, notice, or order.
- (3) Documentation of the client's current medical records, including prognosis, current medical assessment, needs and services plan, and any modifications to the needs and services plan.
- (4) The licensee's plan for ensuring that the client's health-related needs are met by the facility.
- (5) The licensee's plan for minimizing the impact on other clients.
- (e) The district office manager or designee shall complete the review done pursuant to this section.
- (1) In the event that the licensee disagrees with the final decision of the district office manager or designee, the licensee may appeal the decision through the administrative appeal process up to the Deputy Director of the Community Care Licensing Division of the Department.
- (f) This section does not entitle the licensee to a full evidentiary hearing, state hearing, or any other administrative review beyond that set forth in this section.
- (g) The review done pursuant to this section shall not:
- (1) Nullify a determination by the Department that the client must be relocated in order to immediately protect the client's health and safety.
- (2) Apply to an eviction under Section 80068.5.
- (3) Apply if the facility license has been temporarily suspended as specified under Section 80042.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

80094 HEALTH CONDITION RELOCATION ORDER**80094**

- (a) If a client has a health condition which cannot be cared for within the limits of the license, which requires inpatient care in a health facility, or which is prohibited by this Article, the Department shall order the licensee to relocate the client.
- (1) The Department shall give written notice to the licensee ordering the relocation of the client and informing the licensee of the client's right to request review of the order by the district manager of the licensing office.
 - (2) The Department shall give the notice of the health condition relocation order and information about the client's right to request review of the relocation order to the client and to the client's authorized representative, and placement agency, if any.
 - (A) If the client has no authorized representative, as defined in Section 80001, the relocation order shall be sent to the representative payee, if any.
 - (3) The health condition relocation order shall state the reason for the relocation order and cite the regulation(s) requiring the relocation.
 - (4) Upon receipt of the relocation order, the licensee shall prepare a written relocation plan in compliance with Section 80078.
- (b) A client and the client's authorized representative, if any, and the placement agency, if any, may request a review and determination of the Department's health condition relocation order.
- (c) The client or the client's authorized representative, if any, has three (3) working days from receipt of the relocation order to submit to the licensee a written, signed, and dated request for a review and determination by the Department.
- (1) For purposes of this section, a working day is any day except Saturday, Sunday, or an official state holiday.
- (d) The licensee shall mail or deliver such a request to the Department within two (2) working days of receipt.
- (1) Failure or refusal to do so may subject the licensee to civil penalties, as provided in Section 80054.
- (e) The Department shall give written notification to the client or the client's authorized representative, if any, acknowledging receipt of the client's request for review of the relocation order. Notification shall occur within five (5) working days of receipt by the Department of the request for review.

80094 HEALTH CONDITION RELOCATION ORDER
(Continued)**80094**

- (f) Within twenty (20) working days from the date of the client's review request, the licensee shall submit to the Department the documentation specified in this section to complete the client's review request.
- (1) If the information is not received within twenty (20) days, the request for review shall be considered withdrawn, the licensee shall be notified, and the relocation plan shall be implemented.
- (g) The licensee shall cooperate with the client and the client's authorized representative, if any, in gathering the documentation to complete the client's review request.
- (h) The documentation to complete the client's review request shall include, but not be limited to, the following:
- (1) The reason(s) for disagreeing that the client has the health condition identified in the relocation order and why the client believes he/she may legally continue to remain in a community care facility.
- (2) Current health and functional capabilities assessments, as specified in Sections 80069.1 and 80069.2.
- (A) For purposes of this section, "current" means a medical assessment completed on or after the date of the relocation order.
- (3) A written statement from any placement agency currently involved with the client addressing the relocation order.
- (i) The Department shall inform the client and/or the client's authorized representative, if any, in writing, of the Department's determination and the reason for that determination not more than 30 days after the Department's receipt of the material required above.
- (j) The client's right to a review of a health condition relocation order issued by the Department does not:
- (1) Nullify a determination by the Department that the client must be relocated immediately to protect the client's health and safety.
- (2) Apply to evictions.
- (3) Imply a right to a state hearing or any other administrative review beyond that set forth in this section.
- (4) Apply if the facility license has been temporarily suspended, as specified in Section 80042.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1507, 1530, and 1556, Health and Safety Code.

80095 IMPLEMENTATION SCHEDULE**80095**

- (a) The regulations contained in Sections 81068.5, 85068.2, 85068.3, and 85068.5 are repealed; Sections 80001, 80022, 80061, 80068, 80069, 80070, 80071, 81068.2, 81068.4, 82501, 82568.2, 82568.3, 82570, 82579, 85001, 85068, 85068.1, 85068.4, and 85070 are amended; Sections 80068.2, 80068.3, 80068.5, 80069.1, 80069.2, 80069.3, 80077.2, 80077.3; Article 8, Sections 80090, 80091, 80092, 80092.2, 80092.3, 80092.4, 80092.5, 80092.6, 80092.7, 80092.8, 80092.9, 80092.10, 80092.11, 80092.12, 80093, 80094 and 80095 are adopted, and shall become effective on February 1, 1997, and shall be implemented according to the following schedule:
- (1) Where a client is not currently in care at an adult CCF to which they seek admittance for either residential care or day care, the regulations as specified in Section 80095(a) shall immediately apply, and the licensee must comply with all requirements in these regulations prior to admitting the client into care.
 - (2) If the licensee fails to comply with the regulations in accordance with this section then, notwithstanding any other statute or regulation, the Department may order the client to be immediately relocated and immediately cite the licensee for violation of these regulations.
 - (3) Where a client is in care at an adult CCF at the time that these regulations are adopted as emergency regulations, then the client may remain in care of that licensee and these regulations will not apply until final adoption by the Department.
 - (4) Where a client is in care at an adult CCF at the time of final adoption of these regulations and the client has a restricted health condition or requires care prohibited in adult CCFs, the licensee shall:
 - (A) Within three (3) days notify the client, the client's family and authorized representative, if any, and the client's placement agency, if any, that the client has a health condition or requires care prohibited in an adult CCF and must be relocated unless the Department grants an exception allowing the client to remain in care.
 - (B) Within 30 days, notify the Department that the licensee has a client in care who has a health condition that is either restricted or prohibited by these regulations, and
 - (C) Within 90 days, submit a relocation plan for the client which satisfies the requirements of Section 80078.
 - (D) Within that same 90 day period, the licensee may request an exception from the Department to retain the client in accordance with the requirements of Article 8.

80095 IMPLEMENTATION SCHEDULE
(Continued)**80095**

- (E) Clients in care at the time of final adoption of these regulations may request Departmental review of a relocation plan pursuant to the procedures provided in Section 80094.
- (5) Clients who rely on others to perform all activities of daily living and who reside in adult residential facilities or social rehabilitation facilities may remain in care only if the following conditions are satisfied.
 - (A) The client is a resident in care of the facility at the time these regulations are adopted as emergency regulations, and
 - (B) The client, the client's family or authorized representative and the client's physician sign statements that the client's needs were satisfied while in care of the facility prior to February 1, 1997, and
 - (C) The facility, the client, the client's family or authorized representative and the client's physician agree that the client's best interest is furthered by the client's retention in care of the facility.
 - (D) All requirements of Sections 80069.1, 80077.2, and 80090 are satisfied as if the client has a restricted health condition.
 - (E) The facility has operated in substantial compliance with licensing requirements.
 - (F) The facility submits an exception request to retain the client in care and an amended plan of operation, by April 1, 1997, and the request is not denied by the Department.
 - (G) The Department may deny a facility's exception request to retain a client in care if the Department determines that all conditions for retention of the client have not been satisfied.
- (b) Unless the Department grants an exception to allow a licensee to retain a client in care for a longer period of time, in accordance with the requirements of Article 8, the client may remain in the facility for up to six months after these regulations are adopted as final regulations under the following conditions:

80095 IMPLEMENTATION SCHEDULE**80095**

(Continued)

- (1) Retention of the client in care will not endanger the client's or other client's health, safety, or welfare, then only in the following circumstances may the Department grant one extension to allow the client to remain in care of the facility for an additional six months:
- (A) The condition requiring the client to be relocated is temporary and, according to the client's physician, is expected to be resolved within the additional six month period, or
 - (B) The client has identified a facility to which the client prefers to be permanently relocated, but the new facility cannot take the client into care within the six month period and will commit to accepting the client into care within the additional six month period.
- (c) Clients currently residing in an adult CCF pursuant to a stipulated agreement or court order with the Department, may remain in care of that facility until the stipulated agreement or court order is modified with approval of the parties or the court.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.